

FORM SUMMARY

Name of Form: Affidavit of Child Custody Information for Uniform Child Custody Jurisdiction Act

Form Number: GF-150

Statutory Reference: §822.09, Wisconsin Statutes

Purpose of Form: To meet the jurisdictional requirements of the Uniform Child Custody Jurisdiction Act.

Who Completes It: Every party in a custody proceeding in the first pleading must give this information.

Distribution of Form: Original filed with the court, copies would be served on other parties.

Accompanying Forms: This document would accompany the other pleading documents

New Form/Modification: Modification; last update 10/95.

Modifications: Added a file/date stamp area to upper left corner. Added a statement on the bottom indicating that the form shall not be modified.

Comments: The Uniform Child Custody Jurisdiction Act (ch. 822, Wisconsin Statutes), is intended to protect the interests of the "interstate child" caught in custody battles waged across state lines. Our Supreme Court has indicated that the UCCJA applies exclusively to the interstate aspects of custody proceedings, *In re Interest of Brandon S. S.*, 179 Wis. 2d 114, 507 N.W.2d 94 (1993). But the court further stated:

"...[I]n every child custody and termination of parental rights case, the circuit court must consider whether the provisions of chapter 822 apply. In other words, the circuit court must first decide whether the case involves persons outside the state and thus falls within the scope of the UCCJA. One way of gaining the information necessary to make such a decision is for the circuit court to request the information required by §822.09."

"Custody proceedings" are defined in §822.02(3) as:

"[P]roceedings in which a custody determination is one of

several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings."

The UCCJA information has been a common component of divorce petitions since 1975. Only since *Brandon S. S.* has there been widespread consideration to including the information in adoptions, TPRs, and CHIPS proceedings.

If the court makes the determination that the case is not an interstate case, the UCCJA does not apply. Nothing further need be done.

But, if the UCCJA does apply, notice of the Wisconsin proceedings must be given to persons outside the state. When there are proceedings in another state going on simultaneously with the Wisconsin proceedings, the UCCJA provides a method for the judges in each proceeding to confer and make a decision about which state is the most convenient forum to continue the custody action.

As noted in the above quote from *Brandon S. S.*, one way for the court to make the UCCJA determination is for the parties to provide the court with the information contained in the affidavit. Each court should make a determination as to when and in what cases this affidavit should be filed.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.